

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 17 CVS 1747

COUNTY OF HARNETT

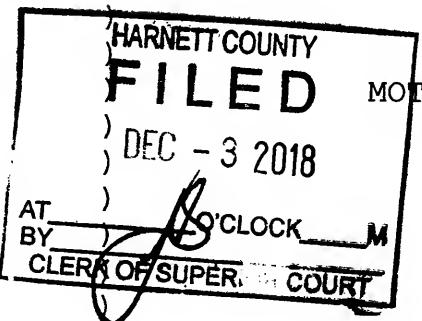
DOLLIE GRIGGS, as)
Administrator of the Estate)
of CHRISTIAN GRIGGS,

Plaintiff,

v.

WILLIAM PAT CHISENHALL,

Defendant.



NOW COMES the Defendant, by and through counsel and requests that the Court order that jurors be selected one at a time and that the jurors be sequestered before and after selection. The reasons for the motion are as follows:

This is an action brought by Plaintiff against the Defendant arising out of the death of Christian Griggs, the Defendant's son-in-law on October 12, 2013. The original suit filed in 2015 was against both this Defendant and Katie Griggs and sought both compensatory and punitive damages from the Defendants. Prior to the hearing on the Motion for Summary Judgment, Plaintiff dismissed that action.

Suit was then refiled against William Pat Chisenhall only, seeking both compensatory and punitive damages as a result of the death of Christian Griggs.

The Defendant denied that he intentionally killed the decedent and further, has pled that he was facing an immediate threat to his life and that of his daughter, Katie Griggs, due to the acts of Christian Griggs. The Defendant contends that the decedent was attempting to break into his home at the time of the shooting and was attempting to attack his daughter after threatening them, and that he acted in self-defense thereby barring any claim by the Plaintiff.

The Defendant also alleged that he, as the lawful occupant of his home, held a reasonable fear of imminent death or serious bodily harm to himself and his daughter and therefore pled that North Carolina General Statute §14-51.2, commonly known as the "Castle Doctrine" provided immunity for his use of force on October 12, 2013.

In January of 2014, following a complete and thorough investigation, the Harnett County Sheriff's Department and the Harnett County District Attorney's Office decided not to pursue criminal charges against the Defendant as it was determined that he acted in self-defense at the time and that the Castle Doctrine did not warrant criminal prosecution.

After the decision not to pursue criminal charges was announced, the Plaintiff and her husband, Anthony Griggs have engaged in a calculated and well-funded publicity campaign in the print, radio and television media as well as on social media

to have the Defendant criminally charged with murder in this matter alleging a cover-up and/or incompetence on the part of various Harnett County officials.

No civil rights suit has ever been brought against these officials or any governmental agency.

Plaintiff has created a Facebook Page entitled "Justice for Christian" as well as a twitter page and issued press releases about their claims and their desire for the criminal prosecution of the Defendant.

Plaintiff and her husband have engaged in repeated protests at the Harnett County Court House which have further caught the attention of the media. During these protests, Plaintiff refers to the Defendant a "murderer" and holds pictures of him as well as publishing photographs of the Defendant's family.

A local tv station aired a week-long series that ended this past Friday, November 30, 2018 about the case entitled "A Presumption of Fear" in which the Plaintiff and her husband are interviewed extensively. The tv station heavily publicized the series including emailing potential viewers advising them of the series.

Defendant, upon the advice of counsel, declined to participate in the series due to his desire of not wanting to try this case in the media.

Further, on Saturday, December 1, 2018, two days before the trial, WRAL-TV aired a thirty minute show about the case.

Plaintiff has retained a media consultant, Jon Camp, who advertises that he is the business of helping "companies, causes and candidates better use communication to achieve their goals" has written and convinced local media to publish an "opinion" editorial about the case entitled "Quest for an honest shot at justice in N.C." was published on the website of WRAL-TV on Thursday, November 29, 2018.

Thereafter Mr. Camp's "editorial" entitled "Why won't Harnett allow shooting probe" was published in both The Raleigh News & Observer and the Fayetteville Observer the weekend before the trial. This writing contains the alleged "red flags" about the case as found by the paid author, many of which are fiction and not based on any evidence in the case.

The publication of these "editorials" on the eve of trial could only have been done for one reason that is the purpose of improperly influencing potential jurors against the Defendant before the trial even starts.

Copies of examples of this pretrial publicity are attached hereto as Exhibit "A".

Defendant believes that in the interest of justice, this court must exercise its discretion to allow individual voir dire and sequestration of jurors during voir dire.

In criminal cases, N.C.G.S. §15A-1214(j) provides that: "In capital cases the trial judge for good cause shown may direct that jurors be selected one at a time, in which case each juror must first be passed by the State. These jurors may be sequestered before and after selection."

It is well settled in North Carolina that the trial judge has broad discretion to see that a competent, fair and impartial jury is impaneled and rulings of the trial judge in this regard will not be reversed absent a showing of abuse of discretion. State v. Lee, 292 N.C. 617, 234 S.E. 2d 574 (1977); State v. Waddell, 289 N.C. 19, 220 S.E. 2d 293 (1975), death sentence vacated, 428 U.S. 904.

Defendant argues that collective voir dire of jurors in panels as to their familiarity with the incident due to the extensive campaign of pretrial trial publicity by Plaintiff and her retained consultants will make all jurors aware of prejudicial and incompetent material, thereby rendering it impossible to select a fair and impartial jury given the extensive pretrial publicity campaign engaged in by Plaintiff and her supporters, both paid and unpaid. Defendant further argues that collective voir dire could possibly preclude the candor and honesty on the part of the jurors which is necessary in order for counsel to intelligently exercise his peremptory challenges and select a fair and impartial jury.

WHEREFORE, Defendant requests that the Court, in the interest of justice, exercise its discretion to allow individual voir dire and sequestration of jurors during voir dire and for what other and further relief, the court deems just and proper.

This the 3 day of December, 2018.



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